

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

MICHAEL DAVIS,

Plaintiff,

v.

No. 14-cv-0518 MV/SMV

**DAN HOUSTON, BERNALILLO CNTY.,
METRO. DET. CTR., RAMON RUSTIN,
MENTAL HEALTH DEP'T, and MED. DEP'T,**

Defendants.

ORDER FOR PAYMENT AND DENYING REQUEST FOR SERVICE

THIS MATTER is before the Court on Plaintiff's [Motion for] Order to Show Cause [Doc. 5], filed on June 23, 2014, and [Motion for] Request for Service [Doc. 4], filed on June 19, 2014. By order entered on June 9, 2014, the Court required Plaintiff to make an initial partial filing fee payment of \$30.34. Plaintiff has not made a payment, but, instead, filed his [Motion for] Order to Show Cause asking to be excused from paying the fee or making statutory installment payments. [Doc. 5] at 1. In the motion, he contends that he lacks the funds to pay the full filing fee. *Id.* However, he concedes that he does have adequate funds to make the payment ordered on June 9. *Id.* There is no constitutional violation in requiring an inmate to choose between prison purchases and litigation. *See Shabazz v. Parsons*, 127 F.3d 1246, 1248–49 (10th Cir. 1997). The initial payment will not be excused. Moreover, the Court will deny Plaintiff's [Motion for] Request for Service at this time. *Cf.* 28 U.S.C. § 1915(d).

Failure to comply with this Order may result in dismissal of the complaint without further notice. *See Baker v. Suthers*, 9 F. App'x 947, 949 (10th Cir. 2001).

IT IS THEREFORE ORDERED that Plaintiff's [Motion for] Order to Show Cause [Doc. 5] is **DENIED**; and, within fourteen days from entry of this Order, Plaintiff make the previously ordered \$30.34 payment.

IT IS FURTHER ORDERED that Plaintiff's [Motion for] Request for Service [Doc. 4] is **DENIED**.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge